

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EVELYN WRIGHT,

Plaintiff,

v.

Case No. 07-CV-15403-DT

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**OPINION AND ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION, GRANTING IN PART AND DENYING IN PART
"PLAINTIFF'S EX-PARTE MOTION TO DISMISS FOR IMPROPER VENUE AND
TO TRANSFER TO PROPER DISTRICT" AND TRANSFERRING CASE TO
THE WESTERN DISTRICT OF MICHIGAN**

Plaintiff Evelyn Wright initiated this action on December 19, 2007, alleging that Defendant Commissioner of Social Security wrongfully denied her social security disability benefits. On May 14, 2008, Plaintiff filed an "Ex-Parte Motion to Dismiss for Improper Venue and to Transfer to Proper District," arguing that venue is improper in the Eastern District of Michigan and that this case should therefore be dismissed and transferred to the Western District of Michigan. Defendant concurred in Plaintiff's motion. On May 22, 2008, Magistrate Judge Michael Hluchaniuk issued a report and recommendation in the above-captioned matter, recommending that the court deny Plaintiff Evelyn Wright's motion to dismiss and grant Plaintiff's motion to transfer this case to the Western District of Michigan. Because it appears that this court is not the proper forum in which to resolve Plaintiff's claim,

IT IS ORDERED that the magistrate judge's May 22, 2008 report and recommendation [Dkt. # 14] is ADOPTED IN FULL AND INCORPORATED BY REFERENCE.¹

IT IS FURTHER ORDERED that "Plaintiff's Ex-Parte Motion to Dismiss for Improper Venue and to Transfer to Proper District," [Dkt. # 13] is GRANTED IN PART AND DENIED IN PART. Specifically, it is GRANTED as to Plaintiff's motion to transfer and DENIED as to Plaintiff's motion to dismiss.

IT IS FURTHER ORDERED that this case is TRANSFERRED to the United States District Court for the Western District of Michigan.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 30, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 30, 2008, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

¹Because the agree to the transfer, the court is adopting the recommendation without waiting for objections as provided for in 28 U.S.C. § 636(b)(1). If, however, there is "a palpable defect by which the court and the parties have been misled, " and "correcting the defect will result in a different disposition of the case," either party may file a motion for reconsideration of this order within ten days, pursuant to Eastern District of Michigan Local Rule 7.1 (g).